

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
SEPTEMBER 1, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL_____

PRAYER_____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF [AUGUST 18, 2010](#)
AND THE SPECIAL MEETING OF [AUGUST 25, 2010](#)

ITEMS NOT ADDRESSED ON THE AGENDA_____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA_____

CHIEF EXECUTIVE'S REPORT_____

SECTION I CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

- 1. [10-2](#) John Harrington, Building Official, on behalf of Fink, Sullivan, Smith and Salo to close and vacate an alley in Block 4 of the Caplis Heights Addition. **Recommendation: Refer to Public Works Committee.**

C. COMMUNICATIONS

- 1. [10-499](#) Roger Ebner, Emergency Management Coordinator, requesting Council's approval to accept an Emergency Management Grant Award and authorize the Chief Executive to sign the award agreement. **Recommendation: Concur and place on file.**
- 2. [10-500](#) Patty Boggs, Health Coordinator, North American Indian Alliance, requesting Council's authorization to hold their Annual Pow-Wow and AIDS Fun Run on September 10th and 11th, 2010 at the Civic Center. **Recommendation: Concur and place on file.**

3. [10-501](#) Rick Larson, Operations Manager/Utilities Division, Butte-Silver Bow Public Works Department, requesting Council's authorization of two contracts with National Resource Damage Program to extend the completion date on the Big Hole River Transmission line and 2009 water line distribution project from June 30, 2010 to June 30, 2011 and authorize the Chief Executive to sign the document. ***Recommendation: Concur and place on file.***
4. [10-502](#) Dave Cunningham, Operations Manager, Services Division, Butte-Silver Bow Public Works Department, requesting Council's authorization to schedule a public hearing on September 8, 2010, regarding a safety project for the Massachusetts, Ottawa and Florence Intersection. ***Recommendation: Concur and schedule public hearing for September 8, 2010.***
5. [10-503](#) Jon Sesso, Butte Silver Bow Planning Director, requesting Council re-appoint Jon Sesso to Upper Clark Fork River Steering Committee and send a letter of confirmation to Gerald Mueller, Upper Clark Fork River Basin Steering Committee Facilitator. ***Recommendation: Concur with request and draft a letter of confirmation.***
6. [10-504](#) Gary Keeler, Butte Silver Bow Transit Manager, requesting Council's authorization of Change Order with Sullway Construction for additional scope of work for the Bus Storage Building and Bus Shelter Improvement Project and authorize the Chief Executive to execute the documents. ***Recommendation: Concur and Place on File.***
7. [10-505](#) Lindsey Ide, Human Resources Director, requesting Council's authorization to approve the Settlement Agreement with the Teamsters Local No. 2 and authorize the Chief Executive to execute the documents. ***Recommendation: Concur and Place on File.***
8. [10-506](#) Earl J. Dodd, President and CEO of Rocky Mountain Supercomputing Centers, requesting Council's authorization for time on the September 8, 2010 Agenda for a Presentation regarding Rocky Mountain Supercomputing Centers requests. ***Recommendation: Concur and Schedule Presentation for September 8, 2010 Agenda.***
9. [10-507](#) Paul Babb, Chief Executive, requesting Council's concurrence in appointments to the Butte-Silver Bow Advisory Committee for Americans with Disabilities Act. ***Recommendation: Concur and place on file.***
10. [10-508](#) John Walsh, Sheriff, Butte-Silver Bow Law Enforcement, requesting Council's authorization for the Chief Executive to sign an agreement with Pioneer Street Rods. ***Recommendation: Concur and authorize the Chief Executive to sign the agreement.***
11. [10-509](#) Paul Babb, Chief Executive, requesting time on the Rules Committee Agenda for discussion of Council Rules and Order. ***Recommendation: Refer to the Rules Committee.***

12. [10-510](#) Jeffrey Miller, Butte-Silver Bow Director of Fire Services, requesting Council's authorization for the County Attorney to investigate the legal issues regarding the fire hydrant maintenance charges for the rocker water and sewer district. ***Recommendation: Concur and request the County Attorney's office conduct an investigation and hold in Committee of the Whole.***
13. [10-512](#) Dave Palmer, Chairman Butte-Silver Bow Council of Commissioners, requesting Council's authorization to refer the Swimming Pool Proposals to the Swimming Pool Review Committee. ***Recommendation: Concur and place on file.***
14. [10-513](#) Mike Sheehy, Butte-Silver Bow Council of Commissioners, District No. 10, requesting Council's authorization for the creation of Resident Only Parking on the 500 Block of Crystal Street and the South side of the 600 Block of West Gold Street. ***Recommendation: Refer to the Parking Commission and hold in Committee of the Whole.***
15. [10-514](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with Northwestern Corporation to provide water to Northwestern Corporation from the Silver Lake Water System for the operation of an electric generating plant at Mill Creek in Deer Lodge County. ***Recommendation: Concur and place on file.***
16. [10-515](#) Ed Fisher, Chief of Boulevard Volunteer Fire Department, informing Council of a Memorial Parade on September 11, 2010. ***Recommendation: Concur and place on file.***
17. [10-517](#) Jeff Amerman, Director, Finance and Budget Department, requesting Council's authorization to hold a Public Hearing September 8, 2010 regarding the FY 2010 – 2011 Preliminary Budget. ***Recommendation: Concur and schedule Public Hearing September 8, 2010.***
18. [10-519](#) Paul Babb, Chief Executive, requesting Council's concurrence in appointments to the Butte-Silver Bow Fair Board. ***Recommendation: Concur and place on file.***
19. [10-520](#) John Weitzel, Weitzel Signs, requesting Council's approval of the placement of three awnings for Whalen Tire on the East Watt at 745 Utah Street. ***Recommendation: Concur and place on file.***

SECTION II

COMMUNICATIONS TO BE READ AND ACTED UPON

- [10-511](#) Jeffrey Miller, Director of Fire Services, Butte-Silver Bow Fire Department, informing Council of recognition of the admirable performance of five firefighters during the fire at 703 Utah on August 23, 2010.

[10-516](#) Jeff Amerman, Director Finance and Budget Department, requesting time on the September 1, 2010 Agenda for a presentation on the FY 2010 – 2011 Preliminary Budget.

[10-518](#) Sandy and Bob Yakawich, BS Café, requesting Council's authorization of an exemption from the Special Events Ordinance to hold an Uptown Pumpkin Patch on October 22, 23, 24, 25, and October 29th and 30th at the Original Mine Yard.

**SECTION III SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

COUNCIL RESOLUTION NO. [10-65](#)

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS:
ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS
UNDER THE INTERNAL REVENUE CODE.

**SECTION IV ORDINANCES AND RESOLUTIONS
FINAL READING**

COUNCIL RESOLUTION NO. [10-63](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 18, BLOCK 58 OF THE ORIGINAL BUTTE TOWNSITE EXPEDITED REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-64](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOT 9 IN BLOCK 6 OF THE WALKERVILLE TOWNSITE (PARCEL NO. 1904860), LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI CALENDAR OF OTHER MEETINGS AND EVENTS

September 2	Civic Center	7:00 PM	Civic Center Hospitality Room
September 6	Airport Authority	Noon	Bert Mooney Airport
September 7	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
September 7	Weed Board	7:00 PM	Weed Department
September 8	Fair Board	5:30 PM	Business Development Center
September 8	Fire Advisory Council	5:00 PM	1 st Floor Conference Room
September 8	Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
September 8	Library	5:00 PM	2 nd or 3 rd Floor – Library Building
September 8	TIFID Board	11:30 AM	Business Development Center
September 9	Urban Revitalization	11:00 AM	1 st Floor Conference Room
September 13	Archives	Noon	Archives Center
September 15	Community Enrichment	10:00 AM	Health Department

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COMMITTEE OF THE WHOLE MEETING REPORT
AUGUST 25, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW
COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I **PRESENTATION**
COMMUNICATION NO. 10-487

Ed Randall, Manager, Butte-Silver Bow Community Enrichment Services, requesting time on the August 25, 2010 Agenda to provide an update on the Butte-Silver Bow Community Enrichment Program. *Committee recommends that Communication No. 10-487 be placed on file.*

SECTION II **PRESENTATION**
COMMUNICATION NO. 10-488

Ed Randall, Manager Butte-Silver Bow Animal Services, requesting time on the August 25, 2010 Agenda to provide an update on the Butte-Silver Bow Animal Services Program. ***Committee recommends that Communication No. 10-488 be placed on file.***

SECTION III

COMMUNICATION NO. 10-121

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's approval to accept donated properties from Continental Public Land Trust. *Committee recommends that Communication No. 10-121 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 10-295

Brandt Thomas, 1823 Wall Street, requesting review proposal to establish a folf (Frisbee golf) course in Clark Park. *Committee recommends that Communication No. 10-295 be held in abeyance.*

SECTION V COMMUNICATION NO. 10-399

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians' similar status as other Emergency Responders.

Committee recommends that Communication No. 10-399 be held in abeyance.

SECTION VI COMMUNICATION NO. 10-445

Charlie O’Leary, Butte-Silver Bow Commissioner District Number 5, requesting Council take the lead in the process of disposing of some parcels of parkland that have been deemed excess land and recommended for sale. ***Committee recommends that Communication No. 10-399 be held in abeyance.***

COMMUNICATION NO. 10-467

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization for the County Attorney to prepare a resolution and Deed for Transfer of the County-Owned property, Lot 9, Block 6, of the Walkerville Townsite (Parcel No. 1904860) in Section 12, Township 3 North, Range 8 West to Thomas Murnion and Kenneth VanHoesen. ***Committee recommends that Communication No. 10-467 be cross referenced with Council Resolution No. 10-64 and held in abeyance.***

COMMUNICATION NO. 10-480

Dr. Linda Reksten, Superintendent Butte School District #1, requesting Council's authorization to negotiate a trade of land in order to accommodate the sale of the Greeley School. ***Committee recommends that Communication No. 10-480 be held in abeyance pending survey results.***

COMMUNICATION NO. 10-497

Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting Council's authorization to place a moratorium on the issuance of Medical Marijuana business licenses in Silver Bow County. ***Committee recommends that Communication No. 10-497 be placed on file.***

COMMUNICATION NO. 10-498

Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to make a presentation on the FY 2010 – 2011 preliminary budget. ***Committee recommends that Communication No. 10-498 be held in abeyance.***

FINANCE AND BUDGET COMMITTEE MEETING REPORT

AUGUST 25, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW
COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee respectfully recommend as follows:

SECTION I COMMUNICATION NO. 10-462

Jeff Amerman, Director Butte-Silver Bow Finance and Budget Department, requesting Council's authorization for time on the Finance and Budget Committee Agenda on July 28, 2010 to make a presentation of the FY 2010-2011 preliminary budget. *Committee recommends that Communication No. 10-462 be held in abeyance.*

SECTION V EXPENDITURE REPORT

8-25-10

\$ 180, 844.10

Committee recommends to approve expenditure report and place on file.

JUDICIARY COMMITTEE MEETING REPORT AUGUST 25, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW
COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee respectfully recommend as follows:

SECTION I COUNCIL BILL NO. 10-6 ORDINANCE NO. 10-6

AN ORDINANCE AMENDING TITLE 6 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "ANIMALS"; AMENDING SECTIONS 6.04.010, 6.04.020, 6.04.050, 6.04.052, 6.04.060, 6.04.130, 6.04.140, 6.04.220, 6.04.230, 6.04.240, 6.04.250, 6.04.260, 6.04.280, 6.04.292, 6.04.294, 6.04.300, 6.04.310, 6.04.320, 6.04.330, 6.04.340, 6.08.020, 6.08.030, 6.16.010, 6.16.020, 6.16.030, 6.16.040, 6.16.050, 6.16.060, 6.16.080, 6.16.090, 6.16.100, 6.20.110, 6.20.120, 6.20.170 AND 6.20.230 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-6, Ordinance 10-6 be held in abeyance.*

SECTION II COUNCIL RESOLUTION 10-15

A RESOLUTION ACCEPTING THE DONATION BY CONTINENTAL PUBLIC LAND TRUST (CPLT) TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, THE REAL PROPERTY HERIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF PROMOTING AND FACILITATING REDEVELOPMENT OF THESE PROPERTIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-15 be held in abeyance.*

SECTION III COUNCIL RESOLUTION NO. 10-63

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 18, BLOCK 58 OF THE ORIGINAL BUTTE TOWNSITE EXPEDITED REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution 10-63 be moved to final reading.*

SECTION IV

COUNCIL RESOLUTION NO. 10-64

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOT 9 IN BLOCK 6 OF THE WALKERVILLE TOWNSITE (PARCEL NO. 1904860), LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution 10-64 be moved to final reading.*

SECTION V

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

PUBLIC WORKS COMMITTEE MEETING REPORT

AUGUST 25, 2010

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee respectfully recommend as follows:

SECTION I COMMUNICATION NO. 10-223

Dan Dennehy, Director, Public Works, requesting Council review sign usage guidelines to better discuss placement of Children at Play signs. *Committee recommends to approve “Children At Play Sign” policy and place on file. Vote 4-1 in favor, Commissioner Hall opposed.*

SECTION II COMMUNICATION NO. 10-330

Terry Schultz, Commissioner District Number 4, requesting Council’s authorization of the formation of a Special Improvement District for the Fairmont Street area. *Committee recommends that Communication No. 10-330 be held in abeyance.*